

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRUSTEES OF THE SUBURBAN TEAMSTERS)	
OF NORTHERN ILLINOIS WELFARE AND)	
PENSION FUNDS,)	
)	
Plaintiffs,)	
)	No. 06 C 1461
v.)	
)	Judge Kocoras
THOMAS FRANZEN, INC.,)	
an Illinois corporation,)	Magistrate Judge Schenkier
THOMAS FRANZEN, Individually)	
)	
Defendants.)	

MOTION FOR DEFAULT JUDGMENT

NOW COMES the Plaintiff, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS PENSION FUND, by and through its attorney, JOHN J. TOOMEY, ARNOLD AND KADJAN, and pursuant to FRCP 55 move for entry of a default judgment in sum certain as stated in this Complaint and the supporting Affidavits attached hereto. In support of its Motion, Plaintiffs state as follows:

1. Suit was filed on March 16, 2006 for collection of delinquent contributions plus attorneys' fees, costs and interest under 29 U.S.C. 1132(g)(2).
2. Service upon THOMAS FRANZEN, INC., an Illinois corporation was made upon the President of the corporation on March 26, 2006, and a copy of the proof of service was filed with the court on April 7, 2006.
3. This case was stayed pending the bankruptcy filing of the corporation in Case No. 06 B 70378. Upon Motion by the Bankruptcy Trustee the bankruptcy case has

been dismissed because the corporation didn't make the payments according to the Plan (See Exhibit A).

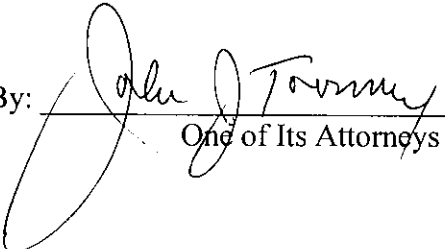
4. Accordingly, the stay of this proceeding due to the filing of the bankruptcy is no longer in force and effect and the Plaintiff Funds move to reinstate the case to active court calendar and proceed to judgment in the amount shown to be due under the audit.

3. An audit was performed on March 8, 2006 and Defendant is now in default as to the Complaint and as supported by the attached Affidavits the sums due are:

\$7,868.25 Pension
\$4,835.00 Welfare
\$925.00 Attorneys fees
\$323.20 Court costs
\$13,951.25

WHEREFORE, Plaintiff prays for the entry of judgment against Defendant, THOMAS FRANZEN, INC., an Illinois corporation and in favor of Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS in the amount of \$13,951.25.

TRUSTEES OF THE SUBURBAN TEAMSTERS
OF NORTHERN ILLINOIS WELFARE AND
PENSION FUNDS

By:  12/19/06
One of Its Attorneys

JOHN J. TOOMEY
ARNOLD AND KADJAN
19 West Jackson Boulevard
Chicago, Illinois 60604
(312) 236-0415

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
Northern District of Illinois
Western Division
211 S. Court Street
Rockford, IL 61101

Case No.: 06-70378
Chapter: 11
Judge: Manuel Barbosa

Received
DEC 04 2006
Pension Fund Office

In Re:

Thomas Franzen Inc.
2045 Aberdeen Court
Sycamore, IL 60178

Social Security No.:

Employer's Tax I.D. No.:
36-4075918

NOTICE OF DISMISSAL

You are hereby notified that an Order Dismissing the above case was entered on November 29, 2006

FOR THE COURT

Dated: November 29, 2006

Kenneth S. Gardner, Clerk
United States Bankruptcy Court